

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND )  
COMPOUNDING PHARMACY, INC. )  
LIABILITY LITIGATION )

MDL No. 2419

Master Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO: )  
All Actions )

RESPONSE OF INSIGHT HEALTH CORP. PURSUANT TO  
SEPTEMBER 26, 2013 SCHEDULING ORDER

Defendant Insight Health Corp. (also wrongly sued herein as Insight Imaging, Inc.), by and through counsel, **BONNER KIERNAN TREBACH & CROCIATA, LLP**, hereby submits the following in connection with the September 26, 2013 Scheduling Order of Magistrate Judge Boal.

1. Insight Health Corp. maintains its objections asserted in its Motion to Quash, dated July 15, 2013 [Dkt. No. 300], and as reflected in the Joint Chart submitted to the Court on or about October 16, 2013 [Dkt. No. 514] and to the extent necessary, incorporates the same, with regard to the Revised Subpoena Exhibit filed by the Plaintiffs' Steering Committee [Dkt. No. 464].<sup>1</sup>

---

<sup>1</sup> Insight withdraws its objection as to the request for patient information, as it clear under the Revised Subpoena that the PSC no longer seeks any such information and that portion of the subpoena had been quashed by Order of Judge Saylor, dated August 1, 2013. Yet, to the extent that the PSC maintains that it is entitled to patient information, then Insight maintains its objection in this regard. Moreover, to the extent that the PSC seeks information in electronic form from Insight, the parties have not conferred with regard to any such electronically stored information as required under Fed. R. Civ. P. 26(f) and would object to production in such format on that basis.

Dated: October 23, 2013

Respectfully submitted,

BONNER KIERNAN TREBACH & CROCIATA, LLP

/s/ Brian J. Gerling  
Christopher E. Hassell, Esq. (VSB No. 30469)  
Clinton R. Shaw, Jr., Esq. (VSB No. 37498)  
Brian J. Gerling, Esq. (VSB No. 75817)  
1233 20<sup>th</sup> Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 712-7000  
Fax: (202) 712-7100  
[Chassell@bonnerkiernan.com](mailto:Chassell@bonnerkiernan.com)  
[cshaw@bonnerkiernan.com](mailto:cshaw@bonnerkiernan.com)  
[bgerling@bonnerkiernan.com](mailto:bgerling@bonnerkiernan.com)

*Counsel for Insight Health Corp.*

**CERTIFICATE OF SERVICE**

I, Brian J. Gerling, hereby certify that I caused a copy of the foregoing Response of Insight Health Corp. Pursuant to September 26, 2013 Scheduling Order to be filed electronically via the Court's electronic filing system on this 23<sup>rd</sup> day of October, 2013. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/s/ Brian J. Gerling  
Brian J. Gerling